THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 12819 of 2007

Dated: 21.06.2007

Between:

P.S. Prakasa Rao, S/o late Suryanarayana,
aged 47 years, C/o T. Ananthalwar,
H.No.44-24-21 A/3, Kanna Rao Street, Railway New Colony,
Visakhapatnam.

.... PETITIONER

AND

A.P.S.R.T.C., rep. by its Vice Chairman and
Managing Director, Musheerabad, Hyderabad
and others.

.....RESPONDENTS

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Order:

The petitioner was appointed as a Driver in the respondents-Corporation on 02.02.1993. While working as such, during periodic medical examination, the Medical Officer, APSRTC Dispensary, Visakhapatnam, declared the petitioner medically unfit to hold the post of A-1 Driver due to colour blindness, vide his certificate, dated 29.01.2006. Based on the said certificate, the petitioner was kept under forced leave by order dated 13.02.2006 and advised him to prefer an appeal to the Superintendent and Chief Medical Officer, Tarnaka Hospital, Hyderabad, for re-examination. Accordingly, the petitioner filed an appeal before the Superintendent and Chief Medical Officer, Tarnaka Hospital, Hyderabad, who also declared that the petitioner is medically unfit to hold the post of A-1 Driver, by his letter dated 28.12.2006. Thereafter, the petitioner made a representation dated 13.01.2007, under Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, requesting the 2nd respondent, namely the Regional Manager, to provide alternative employment, but till date, no orders thereon have been passed. Hence, he filed the present writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-APSRTC. Both the counsel agreed for disposal of the writ petition with a direction to the 2nd respondent to consider the representation of the petitioner dated 13.01.2007.

Since the representation dated 13.01.2007, said to have been

made by the petitioner under Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 requesting to provide alternative employment, is pending consideration before the 2nd respondent,

and in view of the agreed stand taken by both the counsel, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with the following direction.

The 2nd respondent, namely the Regional Manager, APSRTC, Nalgonda Region, Nalgonda, is directed to consider the representation of the petitioner, dated 13.01.2007, for providing alternative employment in view of his medical unfitness in the light of the provisions under Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and pass appropriate orders thereon, expeditiously.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 21.06.2007
Nsr